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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,679	07/02/2001	Kazuhiro Haneda	P/3541-13	1456
2352	7590	03/23/2005	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			RAO, ANAND SHASHIKANT	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/897,679

Applicant(s)

HANEDA, KAZUHIRO

Examiner

Andy S. Rao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 8-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 8-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's arguments with respect to claims 1 and 8-36 as filed in the Amendment of 11/24/04 have been considered but are moot in view of the new ground(s) of rejection based on newly cited portions of the previously applied Zhou reference addressing the newly added claims and limitations newly added to the previously presented claims.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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3. Claims 1, and 8-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhou et al., (hereinafter referred to as “Zhou”).

Zhou discloses an image capturing device for capturing an image, comprising: means for compressing a captured moving image (Zhou: column 3, lines 25-30); extracting means for extracting information relating to at least one object included in the moving image from information obtained in the process of compressing the image (Zhou: column 40, lines 35-67; column 41, lines 20-47; column 42, lines 55-60); means for setting an imaging condition for capturing a still image of the object based on the extracted information relating to the object (Zhou: column 42, lines 33-40); and means for capturing a still image of the object based on the set imaging condition (Zhou: column 4, lines 10-23), as in claim 1.

Regarding claims 8-9, Zhou further discloses a means for setting a desired image processing with respect to an object of the captured still image based on the extracted information relating to the object (Zhou: column 3, lines 60-67; column 4, lines 1-10), as in the claims.

Regarding claim 10, Zhou further discloses still image compressing and coding means for compressing and coding the captured still image (Zhou: column 4, lines 17-23).

Regarding claims 11-12, Zhou further discloses displaying means for displaying a captured image (Zhou: column 14, lines 14-50), as in the claims.

Regarding claim 13, Zhou further discloses that the extracting means comprises selecting means for selecting a desired object from the moving image displayed in the displaying means (Zhou: column 41, lines 20-25).

Regarding claim 14, Zhou discloses that the displaying means further displays markers corresponding to objects (Zhou: column 41, lines 44-45), and wherein the selecting means selects an object corresponding to a desired marker designated by a photographer from the markers displayed in the displaying means (Zhou: column 42, lines 19-26), as in the claim.

Regarding claim 15, Zhou discloses that the means for setting an imaging condition sets an imaging condition with respect to the selected object (Zhou: column 42, lines 33-40), as in the claim.

Regarding claims 16-17, Zhou further discloses means for setting a desired image processing with respect to an object of the captured still image based on information relating to the selected object (Zhou: column 42, lines 33-40), as in the claims.

Regarding claim 18, Zhou discloses imaging condition for capturing a still image of the object differs from an imaging condition for capturing the moving image (Zhou: column 4, lines 1-10), as in the claim.

Regarding claims 19-20, Zhou discloses recording means for recording at least one of data of the still image and data of the compressed moving image on a predetermined recording medium (Zhou: column 3, lines 45-55; column 4, lines 45-50), as in the claims.

Zhou discloses an image capturing method for capturing an image (Zhou: column 51, lines 13-18), comprising: compressing a captured moving image (Zhou: column 3, lines 25-30); extracting information relating to at least one object included in the moving image from information obtained in the process of compressing the image (Zhou: column 40, lines 35-67; column 41, lines 20-47; column 42, lines 55-60); setting an imaging condition for capturing a still image of the object based on the extracted information relating to the object (Zhou: column

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42, lines 33-40); capturing a still image of the object based on the set imaging condition (Zhou: column 4, lines 10-23), as in claim 21.

Regarding claim 22, Zhou discloses setting a desired image processing with respect to an object of the captured still image based on the extracted information relating to the object (Zhou: column 3, lines 60-67; column 4, lines 1-10), as in the claim.

Zhou discloses an image capturing device for capturing an image, comprising: means for compressing a captured moving image (Zhou: column 3, lines 25-30); extracting means for extracting information relating to at least one object included in the moving image from information obtained in the process of compressing the image (Zhou: column 40, lines 35-67; column 41, lines 20-47; column 42, lines 55-60); and means for capturing a still image of the object (Zhou: column 4, lines 10-23), means for setting a desired image processing with respect to the object in the image based on information relating to the object (Zhou: column 41, lines 33-57) extracted from information obtained in the process of compressing the moving image (Zhou: column 42, lines 33-40); as in claim 23.

Regarding claim 24, Zhou further discloses a means for setting a desired image processing with respect to an object of the captured still image based on the extracted information relating to the object (Zhou: column 3, lines 60-67; column 4, lines 1-10), as in the claim.

Regarding claim 25, Zhou further discloses still image compressing and coding means for compressing and coding the captured still image (Zhou: column 4, lines 17-23).

Regarding claims 26-27, Zhou further discloses displaying means for displaying a captured image (Zhou: column 14, lines 14-50), as in the claims.

Regarding claim 28, Zhou further discloses that the extracting means comprises selecting means for selecting a desired object from the moving image displayed in the displaying means (Zhou: column 41, lines 20-25).

Regarding claim 29, Zhou discloses that the displaying means further displays markers corresponding to objects (Zhou: column 41, lines 44-45), and wherein the selecting means selects an object corresponding to a desired marker designated by a photographer from the markers displayed in the displaying means (Zhou: column 42, lines 19-26), as in the claim.

Regarding claim 30, Zhou discloses that the means for setting an imaging condition sets an imaging condition with respect to the selected object (Zhou: column 42, lines 33-40), as in the claim.

Regarding claim 31, Zhou further discloses means for setting a desired image processing with respect to an object of the captured still image based on information relating to the selected object (Zhou: column 42, lines 33-40), as in the claims.

Regarding claim 32, Zhou further discloses setting blur processing with respect to image data other than the extracted object (Zhou: column 6, lines 1-50; column 9, lines 30-55), as in the claim.

Regarding claim 33, Zhou discloses means for setting correction processing using a predetermined tone curve with respect to image data of the extracted object (Zhou: column 26, lines 20-60), as in the claim.

Regarding claims 34-35, Zhou discloses recording means for recording at least one of data of the still image and data of the compressed moving image on a predetermined recording medium (Zhou: column 3, lines 45-55; column 4, lines 45-50), as in the claims.

Zhou discloses an image capturing method for capturing an image (Zhou: column 51, lines 13-20), comprising: compressing a captured moving image (Zhou: column 3, lines 25-30); extracting information relating to at least one object included in the moving image from information obtained in the process of compressing the image (Zhou: column 40, lines 35-67; column 41, lines 20-47; column 42, lines 55-60); setting a desired image processing with respect to the object in the image based on information relating to the object (Zhou: column 41, lines 33-57) extracted from information obtained in the process of compressing the moving image (Zhou: column 42, lines 33-40); and capturing a still image of the object (Zhou: column 4, lines 10-23), as in claim 36.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yoshioka discloses a voice-code image attached still image forming apparatus. Suzuki discloses a method and apparatus for recording/reproduction of video with superimposed sub-information.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S. Kelley can be reached on (571)-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andy S. Rao
Primary Examiner
Art Unit 2613

asr
March 17, 2005

ANDY RAO
PRIMARY EXAMINER
